

SENATE BILL 1071

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 36, Part 2, relative to mandatory
retirement age.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-205, is amended by deleting the first sentence of subdivision (a)(1) and substituting instead the following:

Members who are employed as state police officers, firefighters, wildlife officers or commissioned members of the alcoholic beverage commission and who are engaged in law enforcement or firefighting activities on a day-to-day basis, or who have been transferred from law enforcement or firefighting activities to a supervisory or administrative position within the same department or agency for which they served as state police officers, firefighters, wildlife officers or commissioned members of the alcoholic beverage commission; provided, that the mandatory retirement of those members does not violate the Age Discrimination in Employment Act, compiled in 29 U.S.C. § 621 et seq.

SECTION 2. Tennessee Code Annotated, Section 8-36-205, is further amended by deleting the first sentence of subdivision (a)(3)(A) and substituting instead the following:

Notwithstanding any provision of this section to the contrary, any member employed in a position requiring mandatory retirement under subdivision (a)(1) shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age, unless the department of human resources determines that such member serves in a supervisory or administrative position which requires less than fifty

percent (50%) of the member's duties to be involved in day-to-day law enforcement or firefighting activities.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.